

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

431.A and B.1.3.c. to permit a Commercial Vehicle in excess of 10,000
pounds gross vehicle weight (14,000 lbs).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s): (Indicate hardship or practical difficulty)

1. Size and shape of property
2. Petitioner's business necessitates vehicle at his home because he is on a 24 hour call basis.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

409 Washington Ave., Ste. 600

Address

Towson, Maryland 21204

Attorney's telephone number 296-6820

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

409 Washington Ave., Ste. 600

Address

Towson, MD 21204

Attorney's telephone number 296-6820

ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of July, 1991, that the subject matter of this petition be posted on the property on or before the 4th day of Aug., 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be requested, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on _____, 19____.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Olson

Publisher

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-23-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 4902

Kenwood Avenue, Baltimore, Maryland 21206
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. Size and shape of property
2. Petitioner's business necessitates vehicle at his home because he is on a 24 hour call basis.

That Affiant(s)' knowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Wayne A. Sagol
AFFIANT (Handwritten Signature)

Wayne A. Sagol
AFFIANT (Printed Name)

Victoria M. Sagol
AFFIANT (Handwritten Signature)

Victoria M. Sagol
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5 day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Wayne A. Sagol

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/8/91
DATE

Notary Public

My Commission Expires: 5/29/93

ZONING DESCRIPTION

BEING KNOWN AND DESIGNATED as Lots Nos. 11 and 12 of Overlea Hills, as shown on a Plat filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 192. The improvements thereon being known as No. 4902 Kenwood Avenue.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 14th Date of Posting 8/2/91

Posted for: Wayne A. Sagol, et al.

Petitioner: Wayne A. Sagol, et al.

Location of property: NE corner, Kenwood & Holly Aves.

4902 Kenwood Ave.

Location of Sign: Facing Kenwood Ave., across 10' from sidewalk

on property of Baltimore Co.

Remarks:

Posted by: Wayne A. Sagol Date of return: 8/5/91

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 14th Date of Posting 11/29/91

Posted for: Variance

Petitioner: Wayne A. Sagol, et al.

Location of property: NE corner, Kenwood & Holly Aves.

4902 Kenwood Ave.

Location of Sign: Facing Kenwood Ave., across 10' from sidewalk

on property of Baltimore Co.

Remarks:

Posted by: Wayne A. Sagol Date of return: 11/18/91

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992

THE JEFFERSONIAN,

S. Zeke Olson

Publisher

\$ 58.398

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 14th Date of Posting 6/12/92

Posted for: Variance

Petitioner: Wayne A. Sagol, et al.

Location of property: NE corner, Kenwood & Holly Aves.

4902 Kenwood Ave.

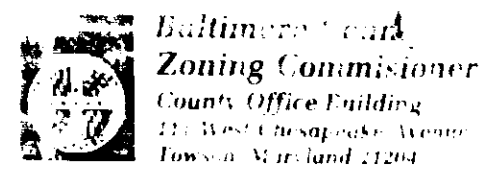
Location of Sign: Facing Kenwood Ave., across 10' from sidewalk

on property of Baltimore Co.

Remarks:

Posted by: Wayne A. Sagol Date of return: 6/18/92

Number of Signs: 1



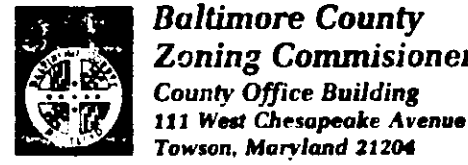
receipt

Account: R-001-6150
Number

RECEIPT

Cashier Validation

Please Make Checks Payable To: Baltimore County



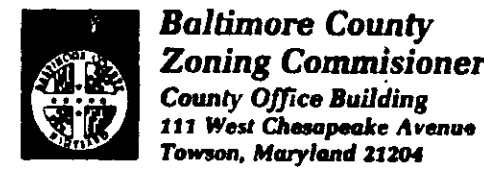
Account: R-001-6150
Number

Date

111 West Chesapeake Avenue
Towson, Maryland 21204

Please Make Checks Payable To: Baltimore County

Cashier Validation



Account: R-001-6150
Number

receipt

Date 7-19-91

Administrative Zoning Variance

Wayne A. Sagal
at 4902 Kenwood Ave.

Filing Fee \$35.00
SIGN 25.00
Total \$60.00

Please Make Checks Payable To: Baltimore County 111 West Chesapeake Avenue
Towson, Maryland 21204

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 6-17-92

Wayne and Victoria Sagal
4902 Kenwood Avenue
Baltimore, Maryland 21206

RE:
CASE #02-23-A (Item 28)
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Wayne and Victoria Sagal
HEARING: WEDNESDAY, JULY 1, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$ 60.00 is due for advertising and posting with regard to the above referenced property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Bill John

ARNOLD JARSON
DIRECTOR

cc: George A. Breschi, Esq.
CARL SKATHMAN

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 10-4-91

Wayne and Victoria Sagal
4902 Kenwood Avenue
Baltimore, Maryland 21206

RE:
CASE NUMBER: 92-23-A
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Wayne and Victoria Sagal
HEARING: WEDNESDAY, SEPTEMBER 13, 1991 at 9:00 a.m. in Rm. 118, Courthouse
TUESDAY, SEPTEMBER 26, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 86.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: S. Eric DiNenna Esq.

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-23-A
Petitioner(s):
Location: 4902 Kenwood Avenue

I, Mr. Kenwood Presbyterian Church
Name(s) (Type or Print)
() Legal Owners () Residents, of
4601 Fullerton Ave.

Baltimore, MD 21236 668-4664
City/State/Zip Code Phone

which is located approximately 100-150 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: [Signature] Date: Aug 19, 1991
Signature: [Signature] Date: Aug 19, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

AUGUST 23, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-23-A
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Wayne and Victoria Sagal
HEARING: THURSDAY, OCTOBER 17, 1991 at 9:00 a.m.

Variance to permit a commercial vehicle in excess of 10,000 pounds gross vehicle weight (14,000 lbs.)

J. Robert Anisea

Zoning Commissioner of
Baltimore County

cc: Wayne and Victoria Sagal
Kenwood Presbyterian Church
S. Eric DiNenna, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

August 23, 1991

Wayne and Victoria Sagal
4902 Kenwood Avenue
Baltimore, Maryland 21206

Re: CASE NUMBER: 92-23-A
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

COPY

OCTOBER 4, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-23-A
PETITIONER: Wayne Sagal, et ux
LOCATION: 4902 Kenwood Avenue

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, NOVEMBER 26, 1991 at 11:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, 400 WASHINGTON AVENUE, ROOM 118, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

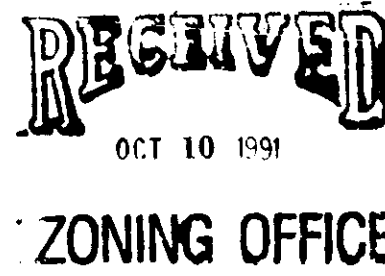
cc: Wayne Sagal, et ux
S. Eric DiNenna, Esq.
Kenwood Presbyterian Church
Linover Improvement Association

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BURGERDING, JR.
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

DINENNA AND BRESCHI
ATTORNEYS AT LAW

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

October 8, 1991



Arnold Jablon
Director
Office of Zoning Administrator
County Office Building
Towson, Maryland 21204

RE: Case No.: 92-23-A
Wayne A. Sagal,
Petitioner

Dear Mr. Jablon:

Please be advised that I represent Mr. Sagal and was Counsel of record upon the filing of the Residential Variance request concerning the above-captioned matter.

Evidently on August 23, 1991 your office sent a letter to my client without notifying me of a "Request For Public Hearing" had not been filed in this matter.

I was completely surprised by the assignment of the date of hearing in October and requested a postponement from that date having not been advised of either the date of hearing nor the "Request For Public Hearing".

Following my discussion with Gwen, November 26, 1991 was set as an agreed date between myself and your office but unfortunately upon notification to my client, that date is not acceptable to him as he will be unavailable.

Accordingly, I am requesting a postponement of this matter and having discussed this matter with Gwen of your office, it appears that December 10, 1991 would be an acceptable date on our part.

Accordingly, this postponement is being requested and I respectfully request you have your office notify me of any new hearing date etc.

Thank you for your cooperation.

Very truly yours,
S. Eric Dinenna
S. ERIC DINENNA

SED:djm
cc: Kenwood Presbyterian Church
Linover Improvement Association
Wayne A. Sagal
p.s. I was notified on October 4, 1991 of the Request For Hearing by the Linover Improvement Association as well the Kenwood Presbyterian Church.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 8, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-23-A
LEGAL OWNER(S): Wayne A. Sagal
LOCATION: 4902 Kenwood Avenue

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON TUESDAY, NOVEMBER 26, 1991, HAS BEEN POSTPONED AT THE REQUEST OF S. ERIC DINENNA, ATTORNEY FOR THE PROPERTY OWNER(S).

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl Jablon
Arnold Jablon
Director

cc: Wayne Sagal
S. Eric Dinenna, Esq.
Kenwood Presbyterian Church
Linover Improvement Association

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 12, 1991

NOTICE OF NEW HEARING DATE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, County Courthouse, 400 Washington Avenue, Towson, Maryland 21204

CASE NUMBER: 92-23-A
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Wayne and Victoria Sagal
NEW HEARING DATE: TUESDAY, DECEMBER 10, 1991 at 9:00 a.m.

Variance to permit a commercial vehicle in excess of 10,000 pounds gross vehicle weight (14,000 lbs.)

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Wayne and Victoria Sagal
Kenwood Presbyterian Church
S. Eric Dinenna, Esq.
Linover Improvement Association
Eric Berkert

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-23-A
PETITIONER(S): Wayne Sagal, et ux
LOCATION: 4902 Kenwood Avenue

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 10, 1991, HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQ.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl Jablon
Arnold Jablon
Director

cc: Wayne Sagal, et ux
George A. Breschi, Esq.
Kenwood Presbyterian Church
Linover Improvement Association
Eric Berkert
Carl Stratman

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

December 10, 1991

George A. Breschi, Esquire
Suite 600
409 Washington Avenue
Towson, Maryland 21204

Re: Postponements

Dear Mr. Breschi,

The following cases were assigned to S. Eric Dinenna.

Case No. 91-411-SPH
Petitioner: Leroy Ennis

Case No. 92-23-A
Petitioner(s): Wayne Sagal, et ux

Case No. 92-133-SPH
Petitioner: Blevins, et ux

Item No. 237
Petitioner: Thomas B. McGee

Please advise as of the direction in which you will be taking in these cases.

Yours Truly,

G.C. Stephens
G.C. Stephens

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

RESCHEDULED FROM 12/10/91
CASE #92-23-A (Item 28)
NEC Kenwood and Leslie Avenues
4902 Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Wayne and Victoria Sagal
HEARING: WEDNESDAY, JULY 1, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Variance to permit a commercial vehicle in excess of 10,000 pounds gross vehicle weight (14,000 lbs.)

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Wayne and Victoria Sagal
George A. Breschi, Esq.
Kenwood Presbyterian Church
Linover Improvement Association
Eric Berkert
Carl Stratman

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

August 19, 1991

S. Eric Dinenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 28, Case No. 92-23-A
Petitioner: Victoria M. Sagal, et ux
Petition for Residential Variance

Dear Mr. Dinenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Wayne A. Sagal
4902 Kenwood Avenue
Baltimore, MD 21206

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
19th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Hines
Chairman,
Zoning Plans Advisory Committee

Petitioner: Wayne A. Sagal, et ux

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 21, 1991
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Sagal, Item No. 28

In reference to the petitioner's request, staff offers the
following:

This Office of Planning and Zoning has consistently opposed any
request to permit commercial vehicles in excess of 10,000 pounds
gross vehicle weight to be located in residential zones. The
proposed use is incompatible with residential property uses.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/rdn
ZSHELL/TXTROZ

Rec'd 8/22/91
jan

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

AUGUST 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

PF: Property Owner: WAYNE A. SAGAL
Location: #4902 KENWOOD AVENUE
Item No.: *28 Zoning Agenda: AUGUST 6, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *CHH* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Rec'd
8/7/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 6, 1991

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 25, 28, 32, 33, 34, 36, 37, 40, 42, 43 and 44.

For Item 483 (Case No. 91-484-A), the previous
minor subdivision comments are applicable.

For Items 35 and 37, revised County Review Group
Plans are required.

Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: September 11, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 6, 1991

This office has no comments for item numbers 25, 28, 32, 33, 34, 35,
39, 40, 42, 43 and 44.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

111 West Chesapeake Avenue
Towson, MD 21204

August 1, 1991

887-3353

Wayne and Victoria Sagal
4902 Kenwood Avenue
Baltimore, Maryland 21206

Re: CASE NUMBER: 92-23-A
LOCATION: 88C Kenwood and Leslie Avenues
4902 Kenwood Avenue

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before August 11, 1991. The closing date is August 26, 1991. The
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will
issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the
matter be set in for a public hearing. You will receive written notification as to whether or not
your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

cc: S. Eric DiNenna, Esq.

COPY

ITEM # 28
JJB
DATE: 9-19-91

PETITION CHECKLIST

Before the above petition can be accepted for filing, the following items must
be corrected/included:

- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as
item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- ☒ ~~PRINTED~~
Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for
company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
 - 7/22*
 - OK on 10*
 - Rev. Tim*
 - K. Davis*
 - Adm. Unit Z. E. Dist*
- Need 12 plats. Only in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in
drawer for agenda. Put a note in the folder explaining this.
- ☒ ONLY 1 SIGNATURE IS NOTARIZED.

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 19, 1991

Wayne A. Sagal
Victoria M. Sagal
4902 Kenwood Avenue
Baltimore, MD 21206

RE: Petition Filed in Zoning Office
Item Number 28

Dear Petitioner:

This letter is to inform you that, due to a technical problem,
your Petition for Residential Variance has not been placed on the agenda
for the week of July 30, 1991. According to our records, this Petition
was filed on July 19, 1991 with John J. Sullivan, Jr.

In order for this Petition to be placed on the next agenda, you
must contact Mr. Sullivan at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

cc: S. Eric DiNenna, Esquire
409 Washington Avenue
Suite 600
Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

MEMO TO FILE

TO: ZC/DZC
FROM: John J. Sullivan, Jr.
Planner II
SUBJECT: Requested "Administrative Variance"
Item #28

DATE: July 19, 1991

Eric DiNenna informed me that there was an active complaint and zoning violation case in reference to this commercial vehicle. I informed him that a regular and not an administrative variance would be required. He stated that he is filing for an administrative variance and that the complainant can pay our fee to protest.

1 Leslie Avenue
Baltimore, Maryland 21236
October 1, 1991

Mr. Arnold Jablon, Director
Zoning Administration of Development Management
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

RE: Case #92-23A

Dear Mr. Jablon:

The following letter will detail my reasons for not allowing Case Number 92-23A, which is to be heard on Thursday October 17th at 9:00 AM; to be granted said requested "variance". The petitioners have been residing at 4902 Kenwood Avenue for 3 years and 2 months as of this hearing; and maintains a "home improvement" business from this dwelling; trading as "Consumer Contractor and Consultants", and advertises via a metal sign; which has been requested once by your office in January '90 and then this past spring by the Baltimore County Police Department to remove such said sign from his premise.

Now the phone number that appears on this sign reads as follows "821-7059", when called it is then forwarded to "668-4610" which is listed in the C & P Telephone Directory on page 1157, 5th column out as Wayne Sagal, 4902 Kenwood Avenue, Overlea; also their personal listing on same page is V. Sagal of same address as 668-2264.

The truck variance, if granted would only be a significant reinforcement for the continuance of this "home improvement" business. He does employ a regular full-time employee and a sibling as a part time/full time employer, that gather at this said dwelling to organize and ready the trucks for their job assignment.

The traffic that he has generated only adds to the already over burdened use of our street; Leslie Avenue, and also the lower half of Fullerton Avenue. Employee's cars are parked there all day.

The dwellers of 4902 Kenwood Avenue have on or about the street, five gas consuming modes of travel including the "commercial vehicle" in question which are - a) 1 - van, b) 1 - sedan, c) 1 - large fishing boat; which is now temporarily housed at a relative's locale while expansion of garage is ongoing, d)

1 - large pick up truck and the space on their property is very limited.

When entering from Leslie Avenue to their driveway, this "Commercial Vehicle" obstructs oncoming traffic and causes a considerable inconvenience to the traffic pattern; since this happens to be directly on the turn of the intersection of Kenwood and Leslie Avenues.

This neighborhood has always been a "residentially zoned" area, and properly taxed accordingly. If I or any of the dwellers of this area wished to move into an industrial area/park then we would have done so; this community was conceived many years ago and if any "new comers" arrive, then they should comply with the established mode of living, not change the area for their entrepreneurial desires.

This truck is also another means of storage of materials since space for this dwelling is limited; even though they have just completed an addition to the existing garage; which will house this large fishing boat and heavy duty mechanical equipment and then there is a need for storage of which the truck provides.

Also, when the dwellers of said property in question wish to use the garage and gain some "work area", the truck is dropped forward so as to extend over the apron of the driveway sidewalk thus obstructing the view of "on-coming" traffic to us the immediate dwellers entering and existing our driveways and prohibit the use of the sidewalk for the pedestrian.

Finally but most importantly is my aged father's declining health.

The emissions from this diesel fueled "commercial vehicle" and other said vehicles only adds to pollute the air and hasten a hazardous medical problem that of which my father is a chronic patient; please see the attached letter of medical facts from my father's attending physician; also the heavy duty equipment already stored in garage and all the gasoline fueled vehicles only add to another potentially lethal combustion problem.

My father is the last original development resident of this street (Leslie Avenue) having lived 51 3/4 years and I, his son, 43 years at this address which is directly adjacent to the property in question and my front lawn is abutted to his driveway and his truck is an "eye sore"; we would not want to see this community turned into a mecca for any and all entrepreneurial endeavors.

Please try and see our side of this most unsavory development.

of a neighborhood changed for one's only personal and selfish endeavors.

Yours truly,

Eric Benkert

PS

If you wish to discuss my letter context with me, then you may reach me at 882-2138 which is a "nonpublished" number.

TOWSON
MEDICAL
ASSOCIATES

7801 York Road
Towson, Maryland 21204
(301) 296-4200

INTERNAL MEDICINE

Francis T. Daly, M.D., F.A.C.P.
Vincent A. DiPietro, M.D.

FAMILY PRACTICE

Lee E. Gresser, M.D., F.A.A.F.P.
Elizabeth Mosley Schlenker, M.D.
Joseph Wildman Zebley III, M.D., F.A.A.F.P.

August 6, 1991

Re: Xavier Benkert

To Whom It May Concern:

This is to verify that Mr. Xavier Benkert is a patient of mine. Mr. Benkert has a number of chronic medical problems including arteriosclerotic cardiovascular disease, atrial fibrillation, dementia, chronic obstructive pulmonary disease with chronic bronchitis. Mr. Benkert's son Eric has asked me to confirm these diagnoses regarding an ongoing zoning hearing. Apparently a close neighbor is planning on operating a diesel engine. Mr. Benkert believes that these fumes may be injurious to his father's health. This in fact could very well be the case since Mr. Benkert is prone to respiratory infections requiring several hospitalizations at St. Joseph's Hospital in the last couple of years.

This letter will also verify that Mr. Eric Benkert will be unable to attend the upcoming hearing because he has been sole caretaker for his father who requires constant 24 hour attention.

If any further information is needed regarding this matter please do not hesitate to contact my office.

Sincerely,

Vincent A. DiPietro, M.D.

VAD:msm
D/T: 8/6/91

LAW OFFICES OF

Robert E. Donadio
308 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
410-821-8846
FAX 410-821-5042

June 16, 1992

Robert E. Donadio
Michelle Anne Keller

Anthony P. Donadio
1984-1987

Mr. Arnold Jablon
Director
Zoning Administration &
Development Management
111 W. Chesapeake Avenue, Room 109
Towson, MD 21204

RE: Case No. 92-23A

Dear Mr. Jablon:

Please be advised that I represent Mr. Wayne Sagal and Victoria Sagal in connection with Case Number 92-23A.

As you are aware, Mr. and Mrs. Sagal delivered a letter to you dated June 10, 1992 in connection with their withdrawal of the petition for Special Variance on their property located at 4902 Kenwood Avenue, Baltimore, Maryland 21206.

I would like to point out to you, however, that Mr. and Mrs. Sagal have acquired a copy of the letter that was written to your office by their neighbor, Mr. Eric Benkert, in connection with certain allegations with reference to a hearing that was to be scheduled on October 17th at the Zoning Commissioner's office.

Please be advised that I have represented my client Mr. Sagal on numerous complaints that have been filed against them by neighbors in his neighborhood one of which was the defense of him in court for a ticket he received for allowing a commercial vehicle to be parked on a residential street.

Mr. Sagal was acquitted of that charge pursuant to the documentation that was placed in evidence at his trial.

It would appear that his neighbors and most significantly Eric Benkert, is publishing libelous information about my client.

RECEIVED
JUN 17 1992

ZONING OFFICE

Donadio & Donadio

Mr. Arnold Jablon
June 16, 1992
Page 2.

By copy of this letter, I am advising Mr. Benkert that if he does not cease and desist from further annoyance of Mr. and Mrs. Sagal, I shall be forced to file suit against him for the continuing harassment that has caused him and his wife considerable emotional stress.

I would appreciate it if you would kindly acknowledge receipt of this letter and verification of Case Number 92-23A being dismissed.

Very truly yours,

Robert E. Donadio
Robert E. Donadio

CC: Eric Benkert
1 Leslie Avenue
Balto, MD 21236

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR.
A 300 MEMBER OF DISTRICT OF COLUMBIA BAR

DINENNA AND BRESCHI
ATTORNEYS AT LAW

MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

September 25, 1991

Zoning Commissioner for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Your Item #28
Your Case No.: 92-23-A
My Client and Petitioner: Sagal,
et ux.

Dear Mr. Commissioner:

Would you be so kind as to advise me of the status of the above-captioned matter.

Very truly yours,

S. ERIC DINENNA

SED:bjk
cc: Mr. and Mrs. Wayne Sagal

RECEIVED
SEP 27 1991
ZONING OFFICE

Baltimore County Government
Office of Zoning
111 West Chesapeake Ave.
Towson, Maryland. 21204

June. 10, 1992

Wayne A. Sagal & Victoria M. Sagal
4902 Kenwood Ave.
Baltimore, Maryland. 21206

Re: Case # 92-23-A (Item 28)

Dear Mr. Schmidt

In reference to the above case my wife and I would like to with draw our petition for special variance.

I would like to thank all who work on this matter in your dept., they were very helpful throughout the entire proceedings and delays.

Sincerely,

Wayne & Victoria Sagal

Wayne Sagal
Victoria Sagal
cc: Robert E. Danadio Esq.
George A. Breschi Esq.

RECEIVED
JUN 11 1992

ZONING OFFICE

4902 Kenwood Ave. **92-23-A**
Subdivision: Overlea Hills
Plot book # 7, Folio # 192, Lot # 11/12.
Owner Wayne & Victoria Sagal
Prepared by Wayne Sagal 7-15-91 Scale 1"=20'

Location Information
Dist. 6-M
Elec Dist 14-M
Zoning DR-5.5
Lot Size 0.14 Ac.
Sq Ft. 5900.00
Water Public
Sewer Public
Chesapeake Bay
Critical Area No
Prior Zoning
Housing No
200 scale map
NO, NE, SE.

7-19-91 Item # 28 Leslie Ave 40' R/L 100' x 100' 4.61

August 27, 1992

Dear Zoning Commissioner,

The variance request #92-23-A at 4209 Kenwood Ave. seems only a way to perpetuate a business in a residentially zoned neighborhood. The owners employees drive into the neighborhood with their large vehicles and park on the cross street in front of Kenwood Presbyterian Church. The Linover Improvement Association does not condone this practice. The owner purchased a home in a residential neighborhood not a building or garage in a business district and his actions should follow suit.

We the residents and members of the Linover Improvement Association would like to state our disapproval of this variance request.

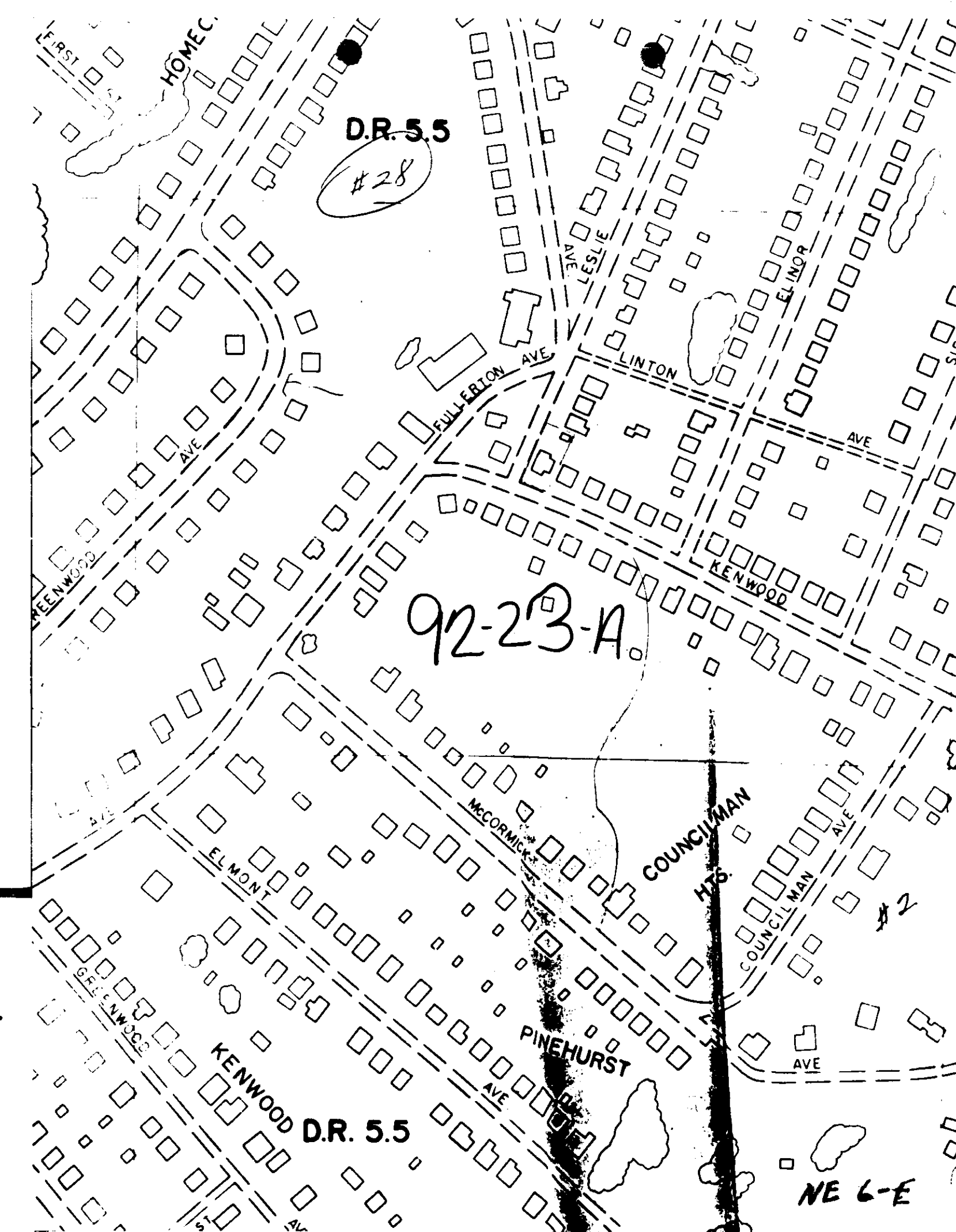
Thank-You,

Anita M. Bollino
Anita Bollino
President of the Linover Improvement
Association P.O. Box 16952
Baltimore, Md 21206

RECEIVED
AUG 30 1992
ZONING OFFICE

CASE NUMBER 92-23-A

PETITIONER'S EXHIBIT #





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

OVERLEA

SHEET

NE.
6-E

#28
92-23-A